

City Council

Regular Meeting

Tuesday, December 4, 2012

6:00 PM

Council Chambers



Mayor Wayne Powell
Mayor Pro Tem David J. Lesser
Councilmember Amy Howorth
Councilmember Richard P. Montgomery
Councilmember Nicholas W. Tell, Jr.

Executive Team

David N. Carmany, City Manager

Jim Arndt, Public Works Director
Robert Espinosa, Fire Chief
Cathy Hanson, Human Resources Director
Bruce Moe, Finance Director
Richard Thompson, Community Development Director

Quinn Barrow, City Attorney
Richard Gill, Parks & Recreation Director
Eve R. Irvine, Police Chief
Liza Tamura, City Clerk

MISSION STATEMENT:

The City of Manhattan Beach is dedicated to providing exemplary municipal services, preserving our small beach town character and enhancing the quality of life for our residents, businesses and visitors.

MANHATTAN BEACH'S CITY COUNCIL WELCOMES YOU!

Your presence and participation contribute to good city government.

By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for citizen comments at two places on the agenda - once following the "Consent Calendar" under "Community Announcements," at which time citizens may address the City Council concerning any brief item of community interest not on the agenda and not-to-exceed one minute in duration for any speaker; and again directly following "Community Announcements," under "Audience Participation," at which time citizens may address the City Council on any matter of City business not on the agenda with each speaker limited to three minutes.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City's website at www.citymb.info, at the County Library located at 1320 Highland Avenue, the Police Department located at 420 15th Street, and are also on file in the Office of the City Clerk for public inspection. Any person who has any question concerning any agenda item may call the City Clerk's office at (310) 802-5056 to make an inquiry concerning the nature of the item described on the agenda.

All Public Hearing and General Business agenda items which have not been introduced by 10:30 p.m. will be continued to the next Regular City Council meeting, or to such other time set by the City Council prior to adjournment, unless the City Council votes to suspend this rule.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Office of the City Clerk at (310) 802-5056 (voice) or (310) 546-3501 (TDD). Notification 36 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

BELOW ARE THE AGENDA ITEMS TO BE CONSIDERED. THE RECOMMENDED COUNCIL ACTION IS LISTED IMMEDIATELY AFTER THE TITLE OF EACH ITEM IN BOLD CAPITAL LETTERS.**A. PLEDGE TO THE FLAG - Molly Ann Hastings, Pennekamp Elementary School****B. ROLL CALL****C. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING**

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, state under penalty of perjury that this notice/agenda was posted on or before Friday, November 30, 2012, on the City's Website and on the bulletin boards of the City Hall and the Library.

Date: 11/30/2012 Signature: /s/ Liza Tamura

D. CLOSED SESSION ANNOUNCEMENT**E. APPROVAL OF AGENDA**

By motion of the City Council this is the time to notify the public of any changes to the agenda and/or rearrange the order of the agenda.

F. CEREMONIAL CALENDAR

- 1 Recognition of the Manhattan Beach Unified School District: [12-0360](#)
Superintendent Mike Matthews, the Manhattan Beach Unified School District Board of Trustees, the Manhattan Beach Education Foundation, Manhattan Beach Council of Parent Teacher Associations, and the Manhattan Beach Athletic Foundation as Distinguished Organization Recipients of the Mayor's I Heart MB Award.
PRESENT
- 2 Recognition of Gordon Cherniak as a Distinguished Older Adult Recipient of the Mayor's I Heart MB Award. [12-0362](#)
PRESENT

G. COMMUNITY ANNOUNCEMENTS (One Minute Per Person)

This portion of the meeting is to provide an opportunity for citizens to address the City Council regarding community announcements. The duration for an individual speaking under "Community Announcements" is limited to one minute. A second, extended opportunity to speak is provided under "Audience Participation." While all comments are welcome, the Brown Act does not allow City Council to take action on any item not on the agenda. Please complete the "Request to Address the City Council" card by filling out your name, city of residence, and returning it to the City Clerk. Thank you!

H. AUDIENCE PARTICIPATION (Three Minutes Per Person)

Speakers may comment on any item of interest to the public that is within the subject matter jurisdiction of the legislative body, including items on the agenda. The Mayor may determine whether an item is within the subject matter jurisdiction of the City. While all comments are welcome, the Brown Act does not allow City Council to take action on any item not on the agenda. Please complete the "Request to Address the City Council" card by filling out your name, city of residence, and returning it to the City Clerk. Thank you!

I. CONSENT CALENDAR

NOTICE TO THE PUBLIC - The "Consent Calendar" adopting the printed Recommended City Council Action will be enacted with one vote. The Mayor will ask the City Councilmembers, the public, and the staff if there is anyone who wishes to remove any item from the "Consent Calendar" for discussion and consideration. The matters removed from the "Consent Calendar" will be considered individually at the end of this Agenda under "Items Removed from the Consent Calendar." At that time, any member of the audience may comment on any item pulled from the "Consent Calendar." The entire "Consent Calendar," with the exception of items removed to be discussed under "Items Removed from the Consent Calendar," is then voted upon by roll call under one motion.

- 3** Plans and Specifications for the FY2012-2013 Gravity Sewer Main Rehabilitation Project Including Sewer Spot Repairs at 34 locations in Areas 1, 2, and 3 (bounded by Manhattan Beach Boulevard, Ardmore Avenue, Aviation Boulevard and the Southerly City Limit) and Sewer Main Replacement in 11th Place from Ardmore Avenue to Highview Avenue. [12-0353](#)

APPROVE

Attachments: [Attachment 1 - Tables 1 & 2: Funding and Anticipated Expenditures](#)
[Attachment 2 - Map of FY2012-2013 Sewer Main Rehabilitation Project](#)

- 4** Resolution Delegating to the City Manager Authority to Take Action in Emergencies Without Competitive Bids Pursuant to California Public Contract Code Section 22050, Declaring an Emergency, and Ratifying the Replacement and Installation of Two Booster Pump Motors at the Peck Reservoir Booster Station and Approval of Payment of \$88,710.92 to General Pump Company, Inc. [RES 12-6422](#)

ADOPT RESOLUTION NO. 12-6422, APPROVE

Attachments: [Attachment 1 - Resolution No. 12-6422](#)

- 5** Financial Reports: [12-0344](#)
Finance Department staff prepares a variety of financial reports for the City Council and Finance Subcommittee. Members of the public having questions regarding City financial transactions are encouraged to contact the Finance Director. The financial reports and the recommended actions are as follows:

a) Ratification of Demands: November 20, 2012

RATIFY

b) Payroll Register: November 21, 2012

RATIFY

c) Investment Portfolio for the Month Ending October 31, 2012

RECEIVE AND FILE

d) Financial Reports for the Month Ending October 31, 2012

RECEIVE AND FILE

Attachments: [Attachment 1 - Warrant Register for November 20, 2012](#)
[Attachment 2 - Payroll Register for November 21, 2012](#)
[Attachment 3 - Investment Portfolio for the Month Ending October 31, 2012](#)
[Attachment 4 - Financial Reports for the Month Ending October 31, 2012](#)

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- 6 Minutes: [12-0359](#)
This item contains minutes of City Council meetings which are presented for approval and minutes from City Council subcommittees and from other City commissions and committees which are presented to be received and filed by the City Council. Staff recommends that the City Council, by motion, take action to approve the minutes of the:
a) City Council Closed Session Meeting of November 20, 2012.
APPROVE
b) City Council Regular Meeting of November 20, 2012.
APPROVE
c) Draft Finance Subcommittee Meeting of November 20, 2012.
RECEIVE AND FILE

Attachments: [Attachment 1 - City Council Closed Session Minutes of November 20, 2012](#)
[Attachment 2 - City Council Minutes of November 20, 2012](#)
[Attachment 3 - Draft Finance Subcommittee Minutes of November 20, 2012](#)

J. PUBLIC HEARINGS

- 7 Public Hearing Regarding the 2013-2014 Business License Tax. [RES 12-6417](#)
Conduct Public Hearing, Adopt Resolution No. 12-6417

Attachments: [Attachment 1 - Resolution No. 12-6417](#)
[Attachment 2 - 2013-2014 Business License CPI Tax Analysis](#)
[Attachment 3 - Proposed 2013-2014 Business License Tax Rates](#)

K. GENERAL BUSINESS

- 8 Selection of a Public Art Piece Celebrating the City's Centennial. [12-0357](#)
APPROVE

Attachments: [Attachment 1 - "Light Gate" by Mags Harries and Lajos Heder](#)
[Attachment 2 - "Velzy Board, Aero Armillary, Adrenaline, Marathon" by Michael I](#)
[Attachment 3 - "Pacifica" by Michael McMillen](#)
[Attachment 4 - "Buoy, Buoy" by Matthew Geller](#)
[Attachment 5 - "Buoy MB90266" by Owen Morrel](#)

- 9 Scope of Work for the Parks Master Plan. [12-0324](#)
APPROVE

Attachments: [Attachment 1 - Request for Proposal Parks Master Plan Services](#)

- 10** Award of Contract to Dan Boyle & Associates for Fixed Route (Trolley) [12-0200](#)
 Transit Consulting Services in the Amount of \$42,630 and Appropriation
 of \$42,630 from the Unreserved Measure R Fund Balance.

APPROVE, APPROPRIATE

Attachments: [Attachment 1 - 2010 Trolley Feasibility Study](#)

[Attachment 2 - RFP #899-13 Fixed Route Transit consulting services compariso](#)

[Attachment 3 - Agreement with Dan Boyle & Associates](#)

- 11** Resolution of Support for the Freedom to Marry. [RES 12-6420](#)
DISCUSS AND PROVIDE DIRECTION

Attachments: [Attachment 1 - Resolution No. 12-6420](#)

[Attachment 2 - Current California Mayors pledging support for the Freedom to M](#)

[Attachment 3 - U.S. Mayor Article Mayors for Freedom to Marry Reaches 200-l](#)

L. ITEMS REMOVED FROM THE CONSENT CALENDAR

Prior to the Council's consideration of each item removed from the consent calendar, speakers may comment on any or all of those items for up to three minutes per item.

M. CITY MANAGER REPORT(S)**N. OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS****O. ADJOURNMENT**

The City Council will adjourn to the Adjourned Regular Meeting (Study Session) at 6:00 p.m. on Tuesday, December 11, 2012, in the City Council Chambers at 1400 Highland Avenue, Manhattan Beach, CA 90266.

P. FUTURE MEETINGS**CITY COUNCIL MEETINGS**

Dec. 11, 2012 – Tuesday – 6:00 PM – City Council Adjourned Regular Meeting (Study Session)

Dec. 18, 2012 – Tuesday – 6:00 PM – City Council Meeting

Jan. 15, 2013 – Tuesday – 6:00 PM – City Council Meeting

Jan. 23, 2013 – Wednesday – 8:30 AM – City Council Strategic Plan Meeting

Feb. 5, 2013 – Tuesday – 6:00 PM – City Council Meeting

Feb. 19, 2013 – Tuesday – 6:00 PM – City Council Meeting

Mar. 6, 2013 – Wednesday – 6:00 PM – City Council Meeting

Mar. 19, 2013 – Tuesday – 6:00 PM – City Council Meeting

Apr. 2, 2013 – Tuesday – 6:00 PM – City Council Meeting

Apr. 16, 2013 – Tuesday – 6:00 PM – City Council Meeting

May. 7, 2013 – Tuesday – 6:00 PM – City Council Meeting

May. 21, 2013 – Tuesday – 6:00 PM – City Council Meeting

Jun. 4, 2013 – Tuesday – 6:00 PM – City Council Meeting

Jun. 18, 2013 – Tuesday – 6:00 PM – City Council Meeting

BOARDS, COMMISSIONS AND COMMITTEE MEETINGS

Dec. 6, 2012 – Thursday - 6:30 PM - Parking & Public Improvements Commission
Dec. 11, 2012 – Tuesday - 6:00 PM - Cultural Arts Commission
Dec. 12, 2012 – Wednesday- 6:00 PM - North End Business Improvement District
Dec. 12, 2012 – Wednesday- 6:30 PM - Planning Commission
Jan. 2, 2013 – Wednesday- 6:00 PM - North End Business Improvement District
Jan. 8, 2013 – Tuesday - 6:00 PM - Cultural Arts Commission
Jan. 9, 2013 – Wednesday- 6:30 PM - Planning Commission
Jan. 14, 2013 – Monday - 6:30 PM - Library Commission
Jan. 23, 2013 – Wednesday - 6:30 PM - Planning Commission
Jan. 24, 2013 – Thursday - 6:30 PM - Parking & Public Improvements Commission
Jan. 28, 2013 – Monday - 6:30 PM - Parks & Recreation Commission
Feb. 6, 2013 – Wednesday- 6:00 PM - North End Business Improvement District
Feb. 11, 2013 – Monday - 6:30 PM - Library Commission
Feb. 12, 2013 – Tuesday - 6:00 PM - Cultural Arts Commission
Feb. 13, 2013 – Wednesday - 6:30 PM - Planning Commission
Feb. 25, 2013 – Monday - 6:30 PM - Parks & Recreation Commission
Feb. 27, 2013 – Wednesday - 6:30 PM - Planning Commission
Feb. 28, 2013 – Thursday - 6:30 PM - Parking & Public Improvements Commission
Mar. 6, 2013 – Wednesday- 6:00 PM - North End Business Improvement District
Mar. 11, 2013 – Monday - 6:30 PM - Library Commission
Mar. 12, 2013 – Tuesday - 6:00 PM - Cultural Arts Commission
Mar. 13, 2013 – Wednesday - 6:30 PM - Planning Commission
Mar. 25, 2013 – Monday - 6:30 PM - Parks & Recreation Commission
Mar. 27, 2013 – Wednesday - 6:30 PM - Planning Commission
Mar. 28, 2013 – Thursday - 6:30 PM - Parking & Public Improvements Commission
Apr. 3, 2013 – Wednesday- 6:00 PM - North End Business Improvement District
Apr. 8, 2013 – Monday – 6:30 PM - Library Commission
Apr. 9, 2013 – Tuesday - 6:00 PM - Cultural Arts Commission
Apr. 10, 2013 – Wednesday- 6:30 PM - Planning Commission
Apr. 22, 2013 – Monday - 6:30 PM - Parks & Recreation Commission
Apr. 24, 2013 – Wednesday - 6:30 PM - Planning Commission
Apr. 25, 2013 – Thursday - 6:30 PM - Parking & Public Improvements Commission
May. 1, 2013 – Wednesday- 6:00 PM - North End Business Improvement District
May. 8, 2013 – Wednesday - 6:30 PM - Planning Commission
May. 13, 2013 – Monday - 6:30 PM – Library Commission
May. 14, 2013 – Tuesday - 6:00 PM - Cultural Arts Commission
May. 22, 2013 – Wednesday - 6:30 PM - Planning Commission
May. 23, 2013 – Thursday - 6:30 PM - Parking & Public Improvements Commission
Jun. 5, 2013 – Wednesday- 6:00 PM - North End Business Improvement District
Jun. 10, 2013 – Monday- 6:30 PM - Library Commission
Jun. 11, 2013 – Tuesday - 6:00 PM - Cultural Arts Commission
Jun. 12, 2013 – Wednesday- 6:30 PM - Planning Commission
Jun. 24, 2013 – Monday - 6:30 PM - Parks & Recreation Commission
Jun. 26, 2013 – Wednesday - 6:30 PM - Planning Commission
Jun. 27, 2013 – Thursday - 6:30 PM - Parking & Public Improvements Commission

Q. CITY HOLIDAYS**CITY OFFICES CLOSED ON THE FOLLOWING DAYS:**

*Dec. 25, 2012 – Tuesday – Christmas Day
Jan. 1, 2013 – Tuesday – New Years Day
Jan. 21, 2013 – Monday – Martin Luther King Day
Feb. 18, 2013 – Tuesday – President's Day
May. 27, 2013 – Monday – Memorial Day
Jul. 4, 2013 – Thursday – Independence Day
Sep. 2, 2013 – Monday – Labor Day
Oct. 14, 2013 – Monday – Columbus Day
Nov. 11, 2013 – Monday – Veterans Day
Nov. 28-29, 2013 – Thursday & Friday – Thanksgiving Holiday
Dec. 25, 2013 – Wednesday – Christmas Day*

**CITY COUNCIL
CLOSED SESSION AGENDA
TUESDAY, DECEMBER 4, 2012 - 4:00 P.M.
CITY COUNCIL CHAMBERS
1400 HIGHLAND AVENUE, MANHATTAN BEACH, CA**

A. CALL MEETING TO ORDER

B. ROLL CALL

C. PUBLIC COMMENT ON CLOSED SESSION AGENDA

D. ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:

1. CONFERENCE WITH LABOR NEGOTIATOR

(Government Code Section 54957.6)

Agency Negotiator: David N. Carmany, City Manager

Employee Groups: Manhattan Beach Firefighters' Association;
Manhattan Beach Police Officers' Association;
Manhattan Beach Police Management Association;
Management Confidential;
Teamsters

2. CONFERENCE WITH LEGAL COUNSEL (ANTICIPATED LITIGATION)

(Government Code Section 54956.9(c))

The City Council will consider initiating litigation (1 potential case).

3. CONFERENCE WITH LEGAL COUNSEL (EXISTING LITIGATION)

(Government Code Section 54956.9(a)) (2 cases)

Dolan v. City of Manhattan Beach; Los Angeles Superior Court No. BC472421

Scruggs v. City of Manhattan Beach; Los Angeles Superior Court No. YC064717

4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Government Code Section 54957)

Title: City Manager

E. RECESS INTO CLOSED SESSION

F. RECONVENE INTO OPEN SESSION

G. CLOSED SESSION ANNOUNCEMENT IN OPEN SESSION

H. ADJOURNMENT